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Attorney for Plaintiff Debbie A. McPherson

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

DEBBIE A. MCPHERSON,

Case No: 3:12-cv-01285-HU

Plaintiff,

**PLAINTIFF'S STATUS REPORT
REGARDING ARBITRATION**

v.

**ALTRIA GROUP DISTRIBUTION
COMPANY, a foreign business corporation,**

Defendant.

Plaintiff, through undersigned counsel, submits the following status report on the Arbitration of the forgoing matter. An advanced copy of this report has been provided to opposing counsel Eric Zion of Winston & Strawn, 100 North Tryon Street, Charlotte, NC 28202, email – ezion@winston.com.

Mr. Thomas F. Levak has been selected as Arbitrator. On September 9, 2013, a

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conference was held with the parties establishing dates for the management of discovery and the arbitration hearing. The Management Conference Worksheet is attached as Exhibit 1.

The parties request that the Court enter an order allowing the Arbitration currently scheduled to be held April 30th through May 2nd, 2014.

Respectfully submitted this 25th day of September, 2013.



Benjamin Rosenthal, OSB No. 830828
Attorney for Plaintiff Debbie A. McPherson

**American Arbitration Association
Employment Arbitration Management Conference Worksheet**

Case Name: Debbie McPherson, Claimant
Altria Group Distribution Company, Respondent

Case No. 75-160-00221-13 JOG3

Conference Date: September 9, 2013

Administrator (Case Manager): Jose Guerrero

Arbitrator: Thomas F. Levak

Parties Representatives:

Claimant's Representative: Benjamin Rosenthal

Respondent's Representative: Eric Zion of Winston & Strawn

1. The Dispute involves the following: Violations of ADA, FMLA and FMLA and assault. Claimant is seeking front pay damages, not reinstatement. There are no counterclaims.

2. Discovery to be completed by: December 16, 2013. If either Representative desires a status conference call, the Arbitrator will be available at 3:00 p.m., on that date, December 16.

3. Dispositive Motion/Motion to Dismiss Schedule: Either Representative may file a Dispositive Motion on January 15, 2014. The Respondent's existing Motion to Dismiss will also be addressed on that date. Any answering responses will be by January 31. No replies will be filed.

4. Pre-Hearing Position Statements, if any; Stipulations of Uncontested Facts, if any; Identification of Exhibits; Previously Undisclosed Witness Names, if any; Identification of Experts and Exchange of Expert Reports, if any; etc. Due Date: March 26, 2014.

5. Hearing on the Merits:

Date: April 30, May 1 and 2, 2014

Time: 9:00 a.m.

Location: A downtown Portland hotel conference room, to be arranged for by Respondent's Representative.

Number of copies of exhibits to be made and brought to the hearing: Four (4).

Court Reporter at Hearing: Yes. To be hired by Respondent's Representative.

Claimant will proceed first.

6. Post-Hearing Briefs: To be determined upon the close of the hearing.

7. Form of Award: Reasoned Opinion.

Dated this 9th day of September, 2014.

Thomas F. Levak, Arbitrator,
Happy Valley, Oregon.